

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

JOSE D. IRAHETA,

Plaintiff,

v.

CITY OF GARRISON;

TIM BARTON; and

KURTES LAWRENCE

Defendants.

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CIVIL ACTION NO. 9:21-CV-087

JURY DEMANDED

**ORDER ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE**

The District Court referred this proceeding to the United States magistrate judge, at Beaumont, Texas, for determination of non-dispositive pretrial matters pursuant to 28 USC § 636 and the Local Rules for the United States District Court for the Eastern District of Texas.

On November 19, 2021, Magistrate Judge Christine Stetson issued the Report and Recommendation that Defendants' Motion to Dismiss Plaintiff's Claims, in part, Pursuant to Rule 12(b)(6) be *partially* granted. *See* Report and Recommendation [Dkt. 40]. In the report, Judge Stetson recommended dismissal of Plaintiff's state law claims against all Defendants for negligence; negligent performance of official duties; negligent hiring, retention, training, and supervision; gross negligence; and vicarious liability (*respondeat superior*). The report denied the dismissal of the 14th Amendment Equal Protection Claims. *Id.* at 12.

Pursuant to 28 U.S.C § 636(b)(1)(C), each party to the action has the right to file objections to the Report and Recommendation. Neither party filed objections to the report.

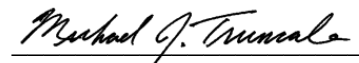
Having reviewed the Report and Recommendation for clear error, and finding none, the Court is satisfied that the magistrate judge has undertaken an extensive examination of the issues

in this case and has issued a thorough opinion.

According, the Court ADOPTS the magistrate judge's recommendations. Plaintiff's remaining claims are (1) Fourth Amendment violations under § 1983; (2) Equal Protection Clause violations under § 1983; and (3) Conspiracy.

It is so ordered.

SIGNED this 7th day of December, 2021.

A handwritten signature in cursive script, reading "Michael J. Truncala", is written over a horizontal line.

Michael J. Truncala
United States District Judge